



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CANHAM et al.

Atty. Ref.: 2490-28; Confirmation No. 1219

Appl. No. 09/647,599

TC/A.U. 1615

Filed: October 3, 2000

Examiner: Azpuru

For: IMPLANTS FOR ADMINISTERING SUBSTANCES AND METHODS OF PRODUCING
IMPLANTS

* * * * *

August 16, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER RE: ADVISORY ACTION OF AUGUST 3, 2007

A Request for Continued Examination was filed in this application yesterday, August 15, 2007.

Applicants wish to respond to the comments included in the Advisory Action of August 3, 2007, in particular the last two sentences. An Amendment submitted July 10, 2007 was not entered. In the non-entered Amendment (which will now be entered as a matter of course by virtue of the RCE), claims 180-189 are presented directed to methods of administering a beneficial substance. However, the examiner's comments in the above-mentioned Advisory Action, namely "These (presumably the non-entered) claims do not appear to overcome the prior art since they do not appear to differentiate from the porous silicon implants of the references. Intended use does not differentiate an implant composition in that (the) site or implantation or method of use do not distinguish the implant compositions".

CANHAM et al.
Appl. No. 09/647,599
August 16, 2007

As will be plainly clear, yet-to-be examined new claims 180-189 are directed to methods, not implants *per se*, thus the examiner's comments are not pertinent to the new claims to be considered in the continuing examination of this application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100